

MC/19/0825

Date Received: 27 March 2019

Location: Former Co Operative The Mall High Street Gillingham

Proposal: Change of use from A1 (retail) to a mixed scheme of B1 and D1 uses. Insertion of new windows and doors to north east and south west elevations. Application of privacy film to existing shopfront.

Applicant Medway Council

Ward: Gillingham North Ward

Case Officer: Karen Cronin

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29th May 2019.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: P-06, P-07, P-08, and P-09 received on 27 March 2019.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All materials used externally shall match those as set out in the Application Form and drawing number: P-06, received on 27 March 2019.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No part of the building shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be managed and preserved for use by future occupants and their visitors. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: to ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 5 The use herein approved shall not be commenced until the areas shown on the submitted layout on drawing numbers: P-07 and P-09, as vehicle parking spaces has been provided, lit, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 6 Prior to the first occupation of the building, details of the refuse storage arrangements for the uses hereby approved, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage arrangements shall be provided in accordance with the approved detail and shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 No development shall take place to implement the use hereby approved until a detailed floorplan of the arrangement of the B1 Use has been submitted to and approved in writing by the Local Planning Authority. The use shall thereafter be arranged in accordance with the approved plans.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 8 The B1(a) and D1 use hereby permitted shall only operate between the hours of 07:00 and 19:00 hours Mondays to Fridays inclusive and between the hours of

09:00 and 16:00 hours on Saturdays and not at all on Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval, please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application is for a change of use from A1 (retail) to a mixed scheme of B1 (office) and D1 (non-residential institution) uses. Insertion of new windows and doors to north east and south west elevations. Application of privacy film to existing shopfront.

The proposal seeks to develop a number of commercial uses adjacent to the site within the former Co-operative supermarket building. It is proposed to convert the single storey retail space into offices for the Kent and Medway NHS and Social Care Partnership Trust (KMPT), who provide specialist health services and will amalgamate their operations from two buildings into one.

The former loading bay and first floor storage/office space will be converted into business start-up units. The submitted plans identify access and parking arrangements including refuse and delivery vehicle access. The parking arrangements for KMPT are in the undercroft car park, which details the required provision from Monday to Friday only with pay and display available at the weekend. The parking arrangements for the small business units are at ground floor level to the rear of the site.

The only external changes to the building are the insertion of windows and doors to the north east and south west (side) elevations and removal of doors in the north west (rear) elevation.

The applicant has confirmed that it is proposed to bring forward detailed floorplans and external cladding treatment designs for the business start-up element at a later stage and following the consideration of the change of use application.

Relevant Planning History

HIS/98/62825	Outline application - Erection of new supermarket and multi-storey car park. Approved with Conditions - 24.01.1979
HIS/98/62827	Outline application. New supermarket and car park Approved with Conditions - 22.07.1982

- HIS/98/62828 Layout of improved and extended public car park, formation of rear service road and alterations to Nos. 58/60 High Street, to form a pedestrian access from the precinct and a single shop unit on the ground floor and a self-contained suite of offices on the first and second floors.
Approved with Conditions – 17.03.1983
- HIS/98/62829 Britton Farm Street, Gillingham. Outline application under the Town and Country Planning General Regulations for 1976 for new supermarket and car park. Gillingham Borough Council, for themselves.
Approved with Conditions – 10.01.1984
- HIS/98/62830 Submission of details pursuant to GL/78/215F dated 10/01/84
Approved with Conditions – 05.04.1984

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

1 letter has been received raising the following objections:

Loss of parking
Impact on shops, business and markets

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Principle

The proposal is for a change of use from A1 (retail) to a mixed use of B1 (office) and D1 (non-residential institution) uses plus external changes to the existing building including cladding and additional windows and doors.

Policy S1 of the Local Plan sets out the development strategy for the plan area. It states that the development strategy is to prioritise re-investment in the urban fabric, which will include the redevelopment and recycling of under-used and derelict land within the urban area. It further states that the focus will be on a number of areas including Gillingham. The proposed development would accord with this broad strategy. The site is currently

vacant and bringing it back into use is to be encouraged. This site is identified as an opportunity area in the Gillingham Town centre Masterplan 2018.

The site is located within Gillingham town centre in the core retail area. Within the core area Policy R5 of the Local Plan allows A1, A2 and A3 uses and other uses appropriate to a District Centre, providing they support the vitality and viability of the centre as a whole.

The proposal includes provision of offices for small start-up businesses and, Kent and Medway NHS and Social Care Partnership Trust (KMPT). Policy R11 directs employment, leisure and entertainment uses towards the main centres, including Gillingham town centre. The NPPF seeks to build a strong, competitive economy. Paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The proposal also includes treatment, physical health check and family therapy rooms for Kent and Medway NHS and Social Care Partnership Trust (KMPT). The Council supports the objective of local provision of high quality primary healthcare facilities. Policy CF4 allows for new or improved primary healthcare facilities in areas where there is a deficiency in existing provision, subject to their being no loss of amenity to neighbouring residents. The NPPF promotes healthy and safe communities and provision of healthcare facilities.

The site is on the edge of a core retail area and the principle of a mixed-use scheme within this location is also supported by Policy R12 of the Local Plan. This states that within or on the edge of the defined core areas of a number of specified centres, including Gillingham, mixed-use developments of an appropriate scale and incorporating high design standards and which contribute to the vitality and viability of these centres will be permitted. The NPPF also seeks to ensure the vitality of town centres

The NPPF has a presumption in favour of sustainable development so that development that is sustainable can be approved without delay. The proposal is in a sustainable location in the town centre and close to Gillingham train station. The NPPF supports building a strong, responsive and competitive economy that support growth and innovation, as well as vibrant and healthy communities and improved accessed to health services and making the making effective use of land. The proposal would contribute to meeting the NPPFs economic, social and environmental objectives.

The change of use of the site to B1 and D1 use is acceptable in principle in accordance with Policy R5, R11 and R12 of the Local Plan, Gillingham Town Centre Masterplan 2018, as well as Paragraphs 7, 8, 10, 11, 12, 80, 85, 91, 92, 117 and 118 of the NPPF.

Design

The proposal would not result in any structural changes to the application site, in terms of size and scale. The only change in appearance would be the insertion of 6 no. windows

in the north east elevation, insertion of 7 no. windows and double door in the south west elevation and removal of 2 no. doors and reconfiguration of 1 no. door on the north west elevation. The internal layout of the D1 unit would be considered appropriate, with the detailed floorplans for the B1 element to be submitted. This can be controlled by condition.

The NPPF attaches great importance to the design of the built environment. Paragraph 124 advises that good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy BNE1 of the Local Plan is a general, criteria based policy for all development. It seeks appropriate design in relation to the character,

The proposal would function well in terms of design, and would be in keeping with the existing area, in accordance with Policy BNE1 of the Local Plan and Paragraphs 124, 127 and 130 of the NPPF.

Amenity

The conversion of the existing building and change of use from A1 to B1 and D1 (Use Class) with addition of windows and doors is sufficient distance from neighbouring residential development that there would be no detrimental impact on these neighbours in terms of loss of outlook, privacy, sunlight and daylight.

No objection is raised in terms of amenity under Policy BNE2 of the Local Plan and paragraphs 127 and 170 of the NPPF.

Highways

The proposal would use the existing access to the road network from the existing undercroft car park and create no new access. The occupants will then access the building via the basement level or the street level entrance if on foot. The development proposes 46 spaces for KMPT in the undercroft car park and 18 spaces at ground level for the small business units. It is not considered that the proposed change of use would create additional noise, vibration, light, heat, smells or airborne emissions. The change of use will create additional activity levels and traffic generation compared with the existing vacant unit, however no more than a functioning A1 retail unit.

The undercroft public car park will retain 50 pay and display spaces and 46 spaces for the proposed commercial use, which would become additional pay and display car parking at the weekend. The different parts of the car park will be accessed via separate secure barriers at the entrance with key fobs for the residential and commercial users. There will also be 18 car parking spaces for the proposed commercial use at ground floor level to the rear of the flat development but these would not be for residential users. In terms of the Council's parking standards, this will leave a slight under provision of visitor

spaces. However the site is next to Gillingham Town Centre, close to the train station and bus services and as such this is a highly sustainable location. It is considered that a car parking management condition would be necessary to ensure the layout, access and security of the residential parking.

A Transport Assessment has been submitted as part of this application, which shows that the existing public car park is underutilised and that there are other public car parks in close proximity. As such the existing undercroft public car park is no longer required wholly for the purpose of public Town Centre parking and is suitable for appropriate development. Paragraph 103 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car.

The proposal has been considered in the light of the level of proposed parking provision, the access and egress in relation to the existing access arrangement and highway and pedestrian safety generally. No objection to the principle of this development have been raised in the light of this highway consideration, especially due to the location of the site in close proximity to the town centre, accessibility by bus and proximity to the railway station, which permits a reduction to the Council's minimum parking standards.

The proposal will not result in any detrimental increase in risk to highways or pedestrian safety and is considered to be acceptable in terms of Policies T1, T2 and T13 of the Local Plan and paragraphs 102, 103, 109 and 110 of the NPPF. The proposal has the potential to provide secure cycle storage on a 1:1 basis in accordance with policy T4 of the Local Plan.

Local Finance Considerations

There are no local finance considerations

Conclusions and Reasons for Approval

The proposed change of use is appropriate for a town centre location and would bring a vacant building back into use significantly enhancing this important site on the edge of the Town Centre. The proposal will provide offices and healthcare facilities that will enhance the vitality and viability of Gillingham town centre on a site that is identified as an opportunity area in the Gillingham Town Centre Masterplan 2018

The proposed development would not have a detrimental impact on the amenity of current or future neighbouring residential occupiers in terms of daylight, sunlight, outlook and privacy, noise or highways safety.

The change of use of the building to uses falling under the B1 and D1 Use Class is acceptable in accordance with Policies S1, BNE1, BNE2, R5, R11, R12, T1, T2, T4, T13

and CF4 of the Medway Local Plan, Gillingham Town Centre Masterplan 2018, as well as Paragraphs 7, 8, 10, 11, 12, 80, 85, 91, 92, 102, 103, 109,110, 117, 118, 124, 127, 130 and 170 of the NPPF.

The application would normally be determined under delegated authority but is being referred to Members for a decision at the request of Councillor Vince Maple due to concerns raised over car parking issues

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>